

**BARBERING AND COSMETOLOGY EXAMINING BOARD
MINUTES
MONDAY, FEBRUARY 1, 2010**

PRESENT: Jeannie Bush, Howard Twait, Janice Boeck, Rod Gottfredson, Jeffrey Patterson, Cheryl Pearce, Laura Ruiz, and Tina Rettler-Pagel

EXCUSED: Susan Kolve-Feehan

STAFF: Yolanda McGowan, Bureau Director; Colleen Baird, Legal Counsel; Michelle Solem, Bureau Assistant and other DRL Staff.

GUESTS: JoAnn Schneider, Mary Kardoskey, Donna Detampel, Julie Brolin, April Radish, Jessi Braaton, Alan Murphy, Molly Chiuminatto, Jordan Blair, Julie Stubenrausch, Chelsea Henne, Orlin Root, Danielle Dallman, Kylee Ludwig, Kathy Schauer, Ashley Whitted, Karri Biabszynski, Hafeezah Ahmad, and Sandy Brietzman.

CALL TO ORDER

Chair Jeannie Bush called the meeting to order at 9:43 a.m. A quorum of 8 members was present.

APPROVAL OF AGENDA

MOTION: Jeffrey Patterson moved, seconded by Rod Gottfredson, to approve the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 2, 2009

MOTION: Howard Twait moved, seconded by Tina Rettler-Pagel, to approve the Minutes of November 2, 2009 as published. Motion carried unanimously.

ADMINISTRATIVE REPORT

Yolanda McGowan introduced Secretary Jackson. Secretary Jackson indicated that the Department has met with representatives of the Wisconsin Technical College System to discuss issues that the Board has addressed. She invited to the Board to attend a discussion on February 22 from 1:00-4:00. Prometric will also be in attendance to discuss the exam process.

Secretary Jackson also told the Board that the summit meeting has been scheduled for October 18 at the Alliant Energy Center in Madison. The Department is also working to arrange a summit in the Milwaukee area. There will be invitations sent in May to those who might be able to offer workshops as well as to vendors. The Department is also planning to send a postcard to inform the licensees that continuing education will be required for the next renewal. There will be a charge for the summit due to the continuing education aspect of the program. Board

members are encouraged to submit names of vendors and possible keynote speakers to the Department.

Secretary Jackson introduced Lydia Thompson, a paralegal with the Division of Enforcement. Ms. Thompson indicated that she has researched the possibility of adding three additional licenses and separating the Barbering and Cosmetology license into 2 different licenses, and gave a summary of the possible changes. She also distributed a handout related to her research.

Yolanda McGowan mentioned that the checked baggage policy has changed to reimburse the traveler for checked baggage up to \$25 provided the traveler is traveling on state business. She reminded the Board that a receipt is required, and to review the remaining policies at their leisure.

Ms. McGowan indicated that there are 2 new division administrators: John Lease in the Division of Board Services and Charles Facktor in the Division of Enforcement.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

Noted.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

There were no presentations given.

LEGISLATIVE/ADMINISTRATIVE RULES

Final Adoption of CR09-065, Relating to Renewal, Reinstatement of Licensure and Continuing Education

Ms. McGowan told the Board that at this point in time, the rule cannot be changed. Once the rule is adopted, the next step is to publish. The rule then becomes effective 30 or so days after the date of publication.

MOTION: Rod Gottfredson moved, seconded by Cheryl Pearse, to adopt Rule CR09-065, Relating to Renewal, Reinstatement of Licensure and Continuing Education. Motion carried unanimously.

Ms. McGowan indicated that the Apprenticeship bill is scheduled to have a public hearing later this week.

MOTION: Rod Gottfredson moved, seconded by Janice Boeck, to delegate Jeffrey Patterson as the Board's representative to speak on behalf of the Board in support of the Apprenticeship bill. Motion carried unanimously.

REGULATION/ENFORCEMENT ISSUES

Discussion of the Department Initiative to Close Complaints Opened for Investigation Within 18 Months.

The Board reiterated its policy to only accept late additions to the agenda if it relates to a suspension, revocation or impairment posing immediate risk to public health and safety.

Forfeiture Guide – Repeat Offense License Lapse

Jeannie Bush asked if the Board would consider a tiered forfeiture for repeated failure to renew by the renewal deadlines. Candace Bloedow stated that the forfeiture grid is a living document and that the Board might want to consider reviewing and updating the grid. Colleen Baird told the Board that they could consider adding a multiplier in the grid as long as the forfeitures are administered in a fair and consistent manner across the board.

Report related to Board Chair Training

Jeannie Bush described the Board Chair Training program to the Board and congratulated the Department on its success. She hopes that the Department will continue to offer the training and that future officers will attend the training.

MISCELLANEOUS CORRESPONDENCE/INFORMATION**PRACTICE ISSUES****Discussion Related to Working Outside of a Licensed Establishment**

Jeannie Bush asked if the Board wanted to consider modifying the rules as they relate to practicing outside of a licensed establishment for a very specific list of activities. It was suggested that the Board work with the new legal counsel to prioritize rule changes. An overhaul based first on recent legislation then to clarify issues that have created the most number of cases within DOE should be considered. Jeannie Bush suggested that the Board table this discussion until such a time as new legal counsel has been assigned to the Board.

Update from Sanitation Committee

Jeffrey Patterson updated the Board on the discussion that occurred in the Sanitation Committee this morning.

Update Related to Fish Pedicures

Candace Bloedow told the Board that 40 states do not allow fish pedicures due to the sanitation rules or not having animals in a salon. Jeannie Bush told the Board that she had spoken with Ron Benjamin, Fish Supervisor for the Mississippi River work unit of the Department of Natural Resources, and Marian Havlik, Malacological Consultant. She told the Board that they had concerns on many levels. Angela Arrington told the Board that there has been a case initiated in Arizona.

MOTION: Rod Gottfredson moved, seconded by Cheryl Pearse, to reaffirm the Board's previous position to disallow fish pedicures and fish exfoliation in the State of Wisconsin. Motion carried unanimously.

EDUCATION AND EXAM ISSUES

Discussion and Action related to Curriculum Development for Continuing Education Rule

Yolanda McGowan indicated that there is a 6 hour requirement for the biennium ending 2011. The Department is asking Board members what they would like included in the guidelines related to continuing education. Yolanda McGowan asked the Board to tell the Department what they would consider suitable health, safety and infection control continuing education.

MOTION: Janice Boeck moved, seconded by Jeffrey Patterson, to approve a statement that embodies the concept of health, safety and infection control for purposes of defining and explaining what is acceptable continuing education and direct the final draft be approved by Jeannie Bush. Motion carried unanimously.

Discussion Related to Exam Vendor

Jeannie Bush suggested that a meeting with the Exam Vendor could occur at the February 22 event. If you have issues and are unable to attend that meeting, please send comments or questions to Jill.Remy@Wisconsin.gov to be addressed by the exam vendor. Ms. McGowan asked that the submitter include their profession and the related question.

TRAVEL

Nominate Delegate for the National Interstate Council of State Boards of Cosmetology (NIC)

MOTION: Rod Gottfredson moved, seconded by Cheryl Pearse, to delegate Janice Boeck as the Board's representative, and Cheryl Pearse as the alternate, to attend the NIC Annual Conference Renaissance Seattle Hotel, Seattle, Washington, August 28-30, 2010. Motion carried unanimously.

PUBLIC COMMENTS

Kathy Shauer, Waukesa County Technical College - 4.03(2)(3) – Wanted to note that the rules mentioned are contradictory. She expressed concerns about how motions are handled, and questioned whether sidebar comments violate open meetings laws.

Alan Murphy - King Research - On Barbaside.com, licensees can log on and take Continuing Education courses. He asked that the Board consider approving courses on his website based on models from other states. He mentioned that the rules and regulations need to be clarified so that

the providers can teach the continuing education courses. He told the Board that most states have removed tuberculocidal requirements from the regulations.

Hafeezah Ahmad – She agrees with the Board’s decision to reevaluate the forfeiture grid.

Mary Kardoskee – She expressed concern about talk of dividing licenses.

Lydia Thompson asked that Board members forward names of local trade magazines to her at Lydia1.thompson@wisconsin.gov

CONVENE TO CLOSED SESSION

MOTION: Rod Gottfredson moved, seconded by Tina Rettler-Pagel, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Jeannie Bush – yes; Janice Boeck – yes; Jeffrey Patterson – yes; Tina Rettler – yes; Laura Ruiz – yes; Howard Twait – yes; Rod Gottfredsen- yes; Cheryl Pearse – yes. Motion carried unanimously.

Open Session recessed at 12:44 p.m.

Rod Gottfredson left the meeting at 1:46 pm.

RECONVENE IN OPEN SESSSION

MOTION: Howard Twait moved, seconded by Janice Boeck, to reconvene in open session at 1:49 p.m.. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

MONITORING

JOHNNY SANTIAGO REQUESTING MODIFICATION

MOTION: Howard Twait moved, seconded by Janice Boeck, to deny Johnny Santiago’s request for modification of the Board Order due to having made no attempt to comply with the original orders. Motion carried unanimously.

CASE CLOSINGS

MOTION: Janice Boeck moved, seconded by Cheryl Pearse, to approve case closings and citations 07 BAC 067, 07 BAC 107, 07 BAC 139, 07 BAC 152, 07 BAC 155 (2 cases), 07 BAC 216, 07 BAC 278, 07 BAC 282, 07 BAC 284, 08 BAC 067, 08 BAC 077, 08 BAC 115, 08 BAC 258 (all 4 licensees), 08 BAC 262, 09 BAC 014, 09 BAC 059, 09 BAC 067, 09 BAC 070, 09 BAC 071, 09 BAC 072, 09 BAC 074 according to recommendations by the Division of Enforcement. Motion carried unanimously.

PROPOSED STIPULATIONS`

MOTION: Jeffrey Patterson moved, seconded by Howard Twait, to accept the Stipulations, Findings of Facts, Conclusions of Law and Orders in the matters concerning Jennifer Wells-Erie (08 BAC 261), Kerri Roberts (09 BAC 027) and Hung Van Nguyen (09 BAC 042). Motion carried unanimously.

PROPOSED DECISIONS

**LAURIE A. LEWIS
LS0908281BAC**

MOTION: Cheryl Pearse moved, seconded by Tina Rettler-Pagel, to accept the Findings of Fact, Conclusion of Law, proposed Decision and Order in the matter of Disciplinary Proceedings against Laurie A. Lewis LS 0908281BAC after review of her response dated November 16, 2009. Motion carried. Laura Ruiz abstained from discussion and voting.

ADJOURNMENT

MOTION: Cheryl Pearse moved, seconded by Janice Boeck, to adjourn the meeting at 1:54 p.m. Motion carried unanimously.